

1. Upon consideration of the case between C. & D. & A. & B. I am
of Opinion that if B. when in America had an Authority -
to act for his Brother A. known to Holland, with regard to the drawing
the Writing counted between B. for himself & Brother & C. & D. is
absolutely binding as to $\frac{1}{16}$ part each to C. & D. in the Work (were
it not for the concluding clause) immediately from the considera-
tion's being complied with by C. & D., that is, from their promi-
sing the Credit in Bank for 300 Sterling to A. & B. in order to
provide in the Scheme; And that B. had such an Authority
from his Brother A. seems to have this negative proof, that
whatever Inducements upon B.'s return to Holland A. & B. -
used to keep C. & D. out of the Work, or at most to allow them
them but $\frac{1}{16}$ each, yet it has not been objected ~~that~~ by either
A. or B., that B. had no such Authority to bind his Brother A.; &
affirmatively, that this power to B. seems implied by their -
Subsequent Letters to C. & D.: And as to the difference made by
Concluding Expressions; It seems to me that they must be construed
as they stand; And B. having in person counted for himself, is, with
regard to any thing that he can afterwards do, absolutely Bound; but
being unwilling to bind his Brother A. at all events in the same
absolute manner, he inserts that reservation of right in his Brother
A. to dissent upon his having notice of the Agreement; And it is remark-
able that ^{here} B. leaves a Back door for himself as well as his Brother
A. to escape at, by vesting a power (as those words sufficiently do) in A.
to dissent ~~to~~ ^{to} for himself & B.: But the question is whether A.
has counted this Right ~~as~~ reserved to himself or not, or in other
words whether A. has assented or dissented to the Agreement; And
in order to determine this question, we must be had to the
Expressions themselves; And then we shall find the particular
manner of assent or dissent demanded by all the signing parties, & that
"by accepting the Credit proposed, & receiving the foresaid 300 Sterling out
of the Bank as aforesaid, or doing it"; & this being by Consent of